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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATIONWIDE BIWEEKLY
ADMINISTRATION, INC., an Ohio Corporation;
LOAN PAYMENT ADMINISTRATION LLC, an
Ohio limited liability company; and DANIEL S.
LIPSKY, an individual;
Plaintiffs,

JOHN F. HUBANKS, Deputy District Attorney, Monterey County District Attorney's Office, in his official capacity; ANDRES H. PEREZ, Deputy District Attorney, Marin County District Attorney's Office, in his official capacity; MONTEREY COUNTY DISTRICT ATTORNEY'S OFFICE, a County Agency; and MARIN COUNTY DISTRICT ATTORNEY'S OFFICE, a County agency.

Defendants.

Case No.: 14-cv-04420-LHK

**DEFENDANTS' JOINT NOTICE OF
MOTION AND MOTION TO DISMISS
DEFENDANTS FOR INSUFFICIENCY OF
PROCESS, OR, IN THE ALTERNATIVE,
QUASH SERVICE OF MOTION FOR
PRELIMINARY INJUNCTION AND
COMPLAINT FOR DECLARATORY
RELIEF; POINTS AND AUTHORITIES IN
SUPPORT OF MOTION**

(FED. R. CIV. P. 12(b)(5))

DATE: February 5, 2015
TIME: 2:00 p.m.
DEPT: 8

1 All Defendants' Joint Motion to Dismiss, or in the alternative, motion to quash plaintiff's
2 service, came on regularly for hearing before this Court on February 5, 2015. Brian C. Case appeared
3 as attorney for the County of Marin. William M. Litt appeared as attorney for County of Monterey.
4 Thomas R. Burke appeared as attorney for Plaintiffs.
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6 After considering the moving and opposition papers, arguments of counsel, and all other matters
7 presented to the Court;

8 **IT IS HEREBY ORDERED THAT** the Defendants' Joint Motion to Dismiss Defendant is
9 **GRANTED** without leave to amend, pursuant to FED. R. CIV. P. 12(b)(5) (on the grounds of defect in
10 the manner of service).

12 **ALTERNATIVELY, IT IS HEREBY ORDERED THAT** the County of Marin's motion to
13 quash service pursuant to FED. R. CIV. P. 12(b)(5) (on the grounds of defect in the manner of service)
14 is **GRANTED**.

16 **IT IS SO ORDERED.**
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19 Judge of the US District Court
20 Northern District of California
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